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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10 HOLMAN'S BODY & FENDER, INC., a  
11 Washington corporation,

12                   Plaintiff,

13                   v.

14 AMERICAN GUARANTEE & LIABILITY  
15 INSURANCE COMPANY, a foreign  
corporation,

16                   Defendant.

17                   Case No.

18                   **DEFENDANT'S NOTICE OF  
19                   REMOVAL TO UNITED STATES  
20                   DISTRICT COURT**

21                   **King County Superior Court No.  
22                   24-2-15460-4 SEA**

23 Pursuant to 28 U.S.C. §§ 1332 and 1441 et seq., Defendant American Guarantee &  
24 Liability Insurance Company (“Defendant”) hereby removes the above-captioned action from the  
25 Superior Court of Washington for King County to the United States District Court for the Western  
26 District of Washington at Seattle. The basis of removal is diversity jurisdiction under 28 U.S.C.  
27 1332(a).

28                   The following statement is submitted in accordance with 28 U.S.C. 1446:

29                   1. On July 10, 2024, Plaintiff Holman's Body & Fender, Inc. (“Plaintiff”) filed an  
30 action against Defendant in the Superior Court of Washington for King County (now pending as  
31 Case No. 24-2-15460-4 SEA). A true and correct copy of the Complaint is attached as **Exhibit 1**  
32 to this filing.

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35 DEFENDANT'S NOTICE OF REMOVAL TO  
36 UNITED STATES DISTRICT COURT - 1

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39 133554.0022/9861407.1

40 LANE POWELL PC  
41 1420 FIFTH AVENUE, SUITE 4200  
42 P.O. BOX 91302  
43 SEATTLE, WASHINGTON 98111-9402  
44 206.223.7000 FAX: 206.223.7107

## **STATUTORY REQUIREMENTS**

## Diversity Jurisdiction

2. 28 U.S.C. § 1332(a) provides in relevant part: “The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different States [.]” 28 U.S.C. § 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

## **Complete Diversity of Citizenship**

3. Plaintiff alleges in the Complaint that Plaintiff is a Washington corporation.  
Compl. ¶ 1.

4. Defendant is a corporation organized and existing under the laws of New York with its principal place of business located in Schaumburg, Illinois. Decl. of Aimee Alton, ¶ 2.

5. There is complete diversity amongst the parties.

## **Amount in Controversy Exceeds \$75,000**

6. The subject of the Complaint is an insurance claim arising out of an incident on or about July 11, 2022. Compl. ¶ 21. Plaintiffs alleges in the Complaint that the amount of the claimed loss is “in excess of \$1,400,000.” Id. Plaintiff therefore is seeking damages in excess of the jurisdictional amount of this Court.

## Procedural Requirements

7. Removal is Timely. This Notice of Removal is timely filed. Although the action was filed on July 10, 2024, there is no evidence that the Complaint was ever served. Instead, Defendant was notified of the action on July 29, 2024, when the Complaint was sent by electronic mail to Defendant’s third-party administrator. Decl. of Aimee Alton, ¶ 3, Ex. A. Pursuant to 28 U.S.C. § 1446(b)(3), Defendant may remove within 30 days “after receipt by the defendant,

1 through service or otherwise, of a copy of an amended pleading, motion, order or other paper from  
2 which it may first be ascertained that the case is one which is or has become removable."

3       8.     Venue. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is filed in the  
4 United States District Court for the Western District of Washington at Seattle, which is the federal  
5 district court embracing the state court where the State Court Action, Case No. 24-2-15460-4 SEA,  
6 is currently venued.

7           9.       Signature. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. See 28  
8 U.S.C. § 1446(a).

9       10.    Consent. The filing party is the sole defendant in the State Court Action and  
10 consents to removal.

11       11.     Pleadings and Process. A true and correct copy of the Complaint on file in the State  
12 Court Action is attached as Exhibit 1. *See* 28 U.S.C. § 1446(a).

13       12. Notice. Defendant will promptly serve Plaintiff and file with this Court its Notice  
14 of Removal to Plaintiff, informing Plaintiff that this matter has been removed to federal court. *See*  
15 28 U.S.C. § 1446(a), (d). Defendant will promptly file with the Clerk of the Superior Court of  
16 Washington of King County, and serve on Plaintiff, a Notice to Clerk of Removal to Federal Court,  
17 pursuant to 28 U.S.C. § 1446(d).

18 ||| 13. Defendant will file a Corporate Disclosure Statement in accordance with LCR 7.1.

19       14. Defendant gives notice that Case No. 24-2-15460-4 SEA now pending against it in  
20 the Superior Court of King County has been removed therefrom to this Court.

21 DATED: August 28, 2024

LANE POWELL PC

By: s/ Stephania Denton

Stephanie Denton, WSBA No. 21920  
[dentons@lanepowell.com](mailto:dentons@lanepowell.com)

BY: s/ Brian T. Kiolbasa

Brian T. Kiolbasa, WSBA No. 61159  
[kiolbasab@lanepowell.com](mailto:kiolbasab@lanepowell.com)

**DEFENDANT'S NOTICE OF REMOVAL TO  
UNITED STATES DISTRICT COURT - 3**

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1 Address:  
2 1420 Fifth Avenue, Suite 4200  
3 Seattle, WA 98101  
4 Telephone: 206.223.7000

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10 Attorneys for Defendant American Guarantee &  
11 Liability Insurance Company, a foreign corporation  
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DEFENDANT'S NOTICE OF REMOVAL TO  
UNITED STATES DISTRICT COURT - 4

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1                   **CERTIFICATE OF SERVICE**

2                   I hereby certify that on August 28, 2024, the foregoing was electronically filed with the  
3 Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of  
4 Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system.  
5 The NEF for the foregoing specifically identifies recipients of electronic notice. I hereby certify  
6 that the following document was sent to the following CM/ECF participant:

7                   Attorneys for Plaintiff:

8                   Patrick H. LePley, WSBA No. 7071  
9                   LePley Law Firm  
10                  3633 136<sup>th</sup> Place SE, Suite 120  
11                  Bellevue, WA 98006  
12                  Telephone: 425-641-5353  
[pml@lepleylawfirm.com](mailto:pml@lepleylawfirm.com)

13                  Dated on the 28<sup>th</sup> day of August, 2024, at Edmonds, Washington.

14                  \_\_\_\_\_  
15                  *s/Lou Rosenkranz*  
16                  Lou Rosenkranz, Legal Assistant

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DEFENDANT'S NOTICE OF REMOVAL TO  
UNITED STATES DISTRICT COURT - 5

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